



TOWN OF MONSON

PUBLIC RECORDS ACCESS GUIDELINES

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26) provides that a municipality must, within 10 business days (Monday through Friday, excluding legal holidays), respond to a request for records by providing access to or a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Town of Monson.

GENERAL INFORMATION

1. **Business Hours & Locations:**

Town Office Building (110 Main St.):

Monday-Friday	8:00 AM – 4:00 PM
	413-267-4100

Schools Department (43 Margaret St.-Superintendent's Office)

Monday – Friday	8:00 AM - 3:00 PM
	413-267-4150

Police Department (110 Main Street)

Monday - Friday	8:00 AM - 4:00 PM
	413-267-4128

Fire Department (198 Main Street)

Monday – Thursday	8:00 AM – 3:00 PM
Friday	8:00 AM – 12:00 PM
	413-267-3132

2. **Records Access Officers (RAO):** The following RAO's have been designated:

Town Clerk's Office:

Mary F. Watson	413-267-4115
Jo Sauriol	413-267-4115
townclerk@monson-ma.gov	413-267-3726 (Fax)

Town Department information:

***For a list of all departments visit our website: www.monson-ma.gov**

3. Public Records Law Information: General information about the public records law and public records requests is found in the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, found online at:

www.sec.state.ma.us/pre/prepdf/guide.pdf

Other helpful information on the public records law:

<http://www.sec.state.ma.us/pre/prenotice.htm>

<http://www.sec.state.ma.us/pre/preinformation.htm>

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>

MAKING PUBLIC RECORDS REQUESTS

4. Public Records Requests: Any person may make a public records request:
 - In person
 - By First class mail
 - By e-mail addressed to the RAO/Town Clerk at the e-mail address set forth above
 - By facsimile addressed to the RAO/Town Clerk at the business facsimile number set forth above (when applicable)
 - By telephone at the discretion of the RAO/Town Clerk
5. Requests Encouraged to be in Writing: Although not required, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. All written public records requests, including via email and facsimile, shall be addressed/directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to provide the required response.
6. Contact Information: Individuals making in-person requests are not required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, requesters will be advised to check in periodically with the RAO or department from which records are sought, or requesters may voluntarily provide contact information.
7. Specificity of Requests: To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, records custodian(s), and date or applicable time period, and subject matter(s). The more specific the request, the better able the Town will be to respond. Broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
8. Receipt of Requests: Written requests received during normal business hours, as defined under General Information, number 1, above, will be considered received on that date. Written requests sent via email or facsimile after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, and legal holidays.
9. Purpose of Request: Except to determine whether the records are being requested for a commercial purpose, or to determine whether to grant a fee waiver, the RAO may not ask a requester the reason for the request or the intended use of the requested records. However,

the RAO may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

RESPONSES TO PUBLIC RECORDS REQUESTS

10. **Fees:** If fees will be assessed, a written good faith estimate of the same will be provided to the Requester. In order to charge a fee, the town must respond to the requestor within 10 business days. Failure to respond forfeits the Town's right to assess fees. (*see fees section below for additional information*)
11. **Response if Longer than 10 Days or Denial in Whole or in Part:** If a full response, including provision of records, cannot be made within 10 business days of receipt of the request, the RAO or designee will respond to the requester in writing with any applicable information from the following list:
 - explaining the anticipated time frame for complete response;
 - identifying any records that the Town does not have in its custody;
 - identifying records which the Town does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof;
 - providing a good faith fee estimate;
 - including a statement of appeal rights.
12. **Clarification of Request:** Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for the Town to respond fully to the request.
13. **Time for Response:** Typically, a complete response will be provided within 25 business days of receipt of the requests. If, due to the scope of the request, the need for redactions, or other complications, the Town is concerned that it will not be able to provide a complete response within that time frame, the Town may ask the requester for an extension of time to comply or petition the Supervisor of Public Records for additional time. The Supervisor of Public records may grant up to 30 additional business days, which may be extended upon a finding of frivolous or harassing requests are made.
14. **Publicly Available Records:** The Town maintains a searchable website at www.monson-ma.gov where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.
15. **Electronic Records Delivery Preference:** To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means, via email, unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. Should an electronic file be too large to email, the requestor will be asked to provide a USB, or similar means, to obtain the requested files. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.

16. Request for Records to be Mailed: Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.
17. Creation of Records: The Town is only required to provide records that are in existence at the time of a request and is not required to create a new record to accommodate a specific request.
18. Answering Questions: The Town is not required to answer questions in response to a public records request.
19. Supplementing Responses: The Town is not required to supplement its response to a previous public records request if records are created in the future.
20. Unique Right of Access: Pursuant to the provisions of 950 CMR 32.06(1)(g), if a requester or requester's representative (such as an attorney), has "a unique right of access by statutory, regulatory, judicial or other applicable means", a request for records will not be considered a G.L. c.66, §10 public records request.

CATEGORIES OF RECORDS & RAO TO REQUEST TO

21. Town Department Record Categories: Attachment "A" describes with specificity different categories of records maintained by the various Town departments. You may also refer to the Municipal Records Retention Schedule, issued by the Supervisor of Public Records, found at [MA STATEWIDE RECORDS SCHEDULE.PDF](#) which schedule identifies various categories of records maintained by municipal departments and so-called "records in common". **Requests for town records can be made directly to the department in which the records are maintained, if known. Requestors otherwise may direct their request to the Town Clerk's Office when the requestor unsure where the records are maintained.**
22. School Records: Monson Public School related records are maintained by the Monson public schools and requests for such records should be made directly to the School Departments listed under General Information, number 1 above.
23. Public Safety Records (Police & Fire): Public Safety related records are maintained by the Monson Fire and Police Department and requests for such records should be made directly to the Police or Fire RAO's listed under General Information, number 1 above.
24. Pathfinder Regional Vocational Technical High School: Pathfinder Regional School related records are maintained by the Pathfinder Regional School and requests for such records should be directed to them at <https://www.pathfindertech.org/>

EXEMPTIONS

25. Exemptions/Redaction/Withholding: Some public records, or portions of records, may not be provided in response to a public records request because the Town has determined such records to be exempt from disclosure pursuant to the provisions of G.L. c.4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more

information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at www.sec.state.ma.us/pre/prepdf/guide.pdf.

FEES

26. Reasonable Fees: In some circumstances, the Town may assess a reasonable fee for the production of public records.
27. Categories of Permissible Charges: Permissible charges include, but are not limited to:
 - five cents (\$0.05) per page of black and white printouts or copies;
 - actual cost for storage devices or materials such as CDs or thumb/flash drives;
 - actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
 - postage fees (*where applicable; see paragraph 15, above*);
 - fees for employee time required to satisfy a public records request. (*see number 29 below*)

No copying fee will be charged for records provided in electronic form.

28. Employee Time for Locating and Segregating Records: A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the Town has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time and a different hourly rate for segregation/redaction time).
29. First Two Hours: The Town of Monson, as of 2010 Decennial Census, had 8560 residents. Municipalities with under 20,000 may assess a fee, including the first 2 hours, for time spent searching for, compiling, segregating, redacting, and reproducing a requested record. 950 CMR 32.07(2)(m)(1).
30. Requests for Commercial Purposes: Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
31. Petition for Higher Fee: In certain circumstances, the Town may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

APPEALS

32. If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.
33. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.
34. For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at www.sec.state.ma.us/pre/prepdf/guide.pdf

ATTACHMENT "A"

Town Hall Department/Board General Description of Public Records Maintained

**This list is not an exclusive list of records; This list represents commonly requested records and/or records that are maintained by the department as outlined in the Municipal Records Retention Schedule, issued by the Supervisor of record. All requests are provided in accordance with the public records law.*

Visit our website at: www.monson-ma.gov for detailed department information:

Town Clerk

Records maintained & available:

- Campaign Finance Reports (see Town Clerk/Campaign Finance)
- Election Results (listed by election type under Town Clerk)

- Meeting Agendas (listed under committee name)
- Meeting Minutes (listed under committee name)
- Public Hearing Notices (listed under committee name)

- Town Meeting Warrants (see Elections & Town Meetings tab on home page)
- Town Meeting Certification/minutes (same as above)

Records maintained & available upon request:

- Annual Street List
- Voter Extracts (Voter Lists & Voter Turn Out records, etc)

- Dog Owner Lists
- Business Certificate Listing
- Raffle permit listing
- Public Records Requests
- Perspective Juror List
- Conflict of Interest Disclosures
- Compliance Documents - State Ethics & Opening Meeting Law
- Town Bylaws – see webpage: www.monson-ma.gov (Town Clerk department page)
- Election Warrants (Elections & Town Meetings tab on home page)

Town Administrators Office (Select Board Office)

Records maintained & available upon request:

- Annual Town Report (see Select Board department page)
- Gross Annual Employee Earnings (see Town Report)

Records maintained & available upon request:

- Applications for Board of Selectmen's Licenses and Permits
- Green Communities Action Plan
- ***see Select Board/Town Administrator page for full list

Planning & Economic Development (Planning / Zoning / Board of Appeals)

Records maintained & available on the Towns website:

- Bylaws, Rules, Regulations, Policies (see Building Department page)
 - Planning & Zoning
 - Monson Zoning Bylaw – (see Building Department page)
 - Subdivision Rules & Regulations – (see Building Department page)
 - ANR form B (see Planning Board page)
 - ***see Planning Board & Zoning Board page for full list
 - Conservation Commission
 - Open Space
 - DEP forms
 - MASS GIS
 - ***see Conservation Committee page for full list

- Application for Decisions issued by Planning & Zoning Board (contact Building Department or Town Clerk)
 - Certain zoning Special Permits
 - Subdivisions
 - Site Plan Review
 - Certain zoning Special Permits
 - Zoning map
 - Planning & Zoning Decisions
 - ***see Building Department page
- Applications for Permits issued by the Conservation Commission (contact Building Department)
 - ***see Conservation Commission page for full list

Assessors

Records maintained & available on the Towns website:

- Property Record Cards (see Assessor's Office department page.)

Records maintained & available upon request:

- Abatement certificates
- Exemption certificates
- Betterment Records
- Tax Rate Recapitulation forms
- Sewer Assessment Records
- Chapter 61A & Chapter 61B
- ***see department page for full list

Building (Inspectional Services)

Records maintained & available on the Towns online permitting public view (as of a certain date) or by request submitted to office. Note: some addresses, no information available.

- Application for Permits (see Online Permits on Building Department page)
 - Building
 - Electrical Wiring
 - Erect, Alter or Repair
 - Gas Fitting

- Plumbing Work
- Signs
- Swimming Pool
- **see Building department page for full list

Board of Health

Records maintained and available upon request.

- Trash & Recycling
- Bulk pick up requests
- **see Board of Health department page for full list

OTHER Maintained Records (available upon request to department):

- Complaint records as related to public health, includes housing complaints
- Septic pumping records
- Title V inspection reports
- Percolation test results
- Inspection Reports

Municipal Finance (Town Accountant / Tax Collector / Treasurer)

Records maintained & available on the Town's website

(See department / town accountant /town financial budget & reports)

- Annual Budgets
- MA Department of Revenue

Records maintained & available upon request

- Real estate, personal property, excise, trash and water billing and payment information
- Municipal Lien Certificates
- Massachusetts Department of Revenue
- Massachusetts Collector/Treasurer's Association
- Retirement information
- Tax payer information
- ***see Town Collector department Page